

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

PTAB Update

David P. Ruschke

Chief Administrative Patent Judge

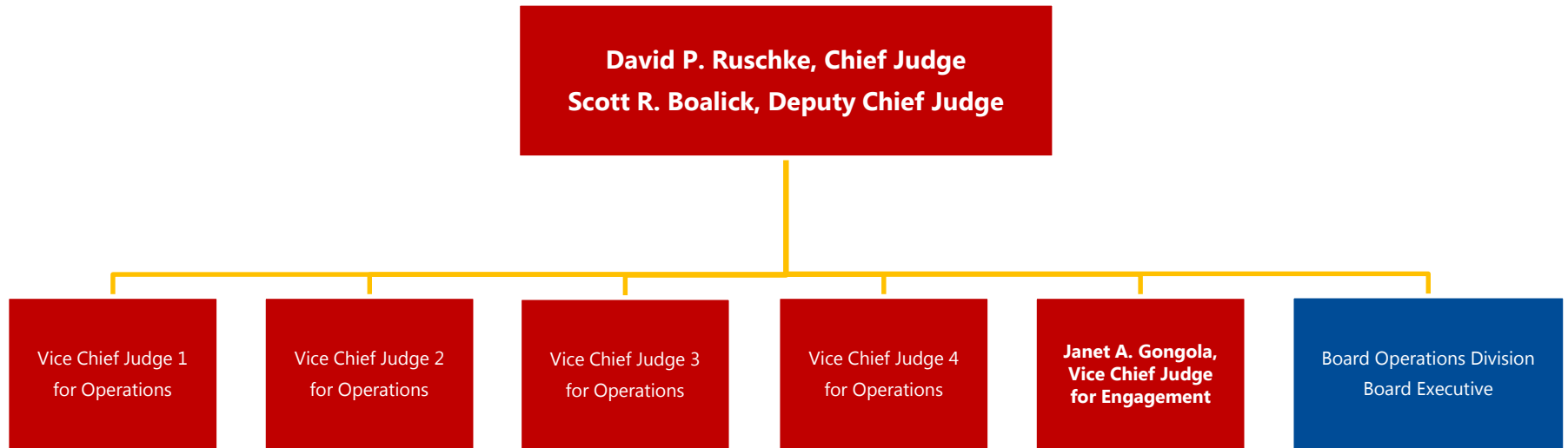
November 3, 2016

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PTAB MANAGEMENT

PTAB Management



PTAB END TO END (PTAB E2E)

PTAB End to End (PTAB E2E)

Activity	Deployment
IPR, PGR, CBM	July 2016
DER	December 2016
Appeals	FY 2018
Interferences	FY 2018

- Incremental deployments to address known defects and address feedback
 - [Known issues list](#)
- Twice a day report on recent cases entered: [AIA Review Decisions webpage](#)
- Search and access bulk PTAB data: [USPTO Open Data Portal](#)



PTAB End to End Support

- PTAB E2E system link, user manual, FAQ, and quick reference guide:
 - <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/patent-trial-and-appeal-board-end-end-ptab>
- Customer support:
 - Weekdays, 8 AM to 6 PM ET
 - 571-272-7822
- Send comments to: PTABE2EADMIN@uspto.gov.

PTAB OUTREACH

PTAB Outreach

- Boardside Chats: start in January 2017
- Stadium Tours with TTAB
 - Spring 2017
 - Fall 2017
- PTAB Bench and Bar: June 2017
- Live AIA Trial Hearing with AIPLA

Appeal, Interference, Reexamination, and Trial Statistics

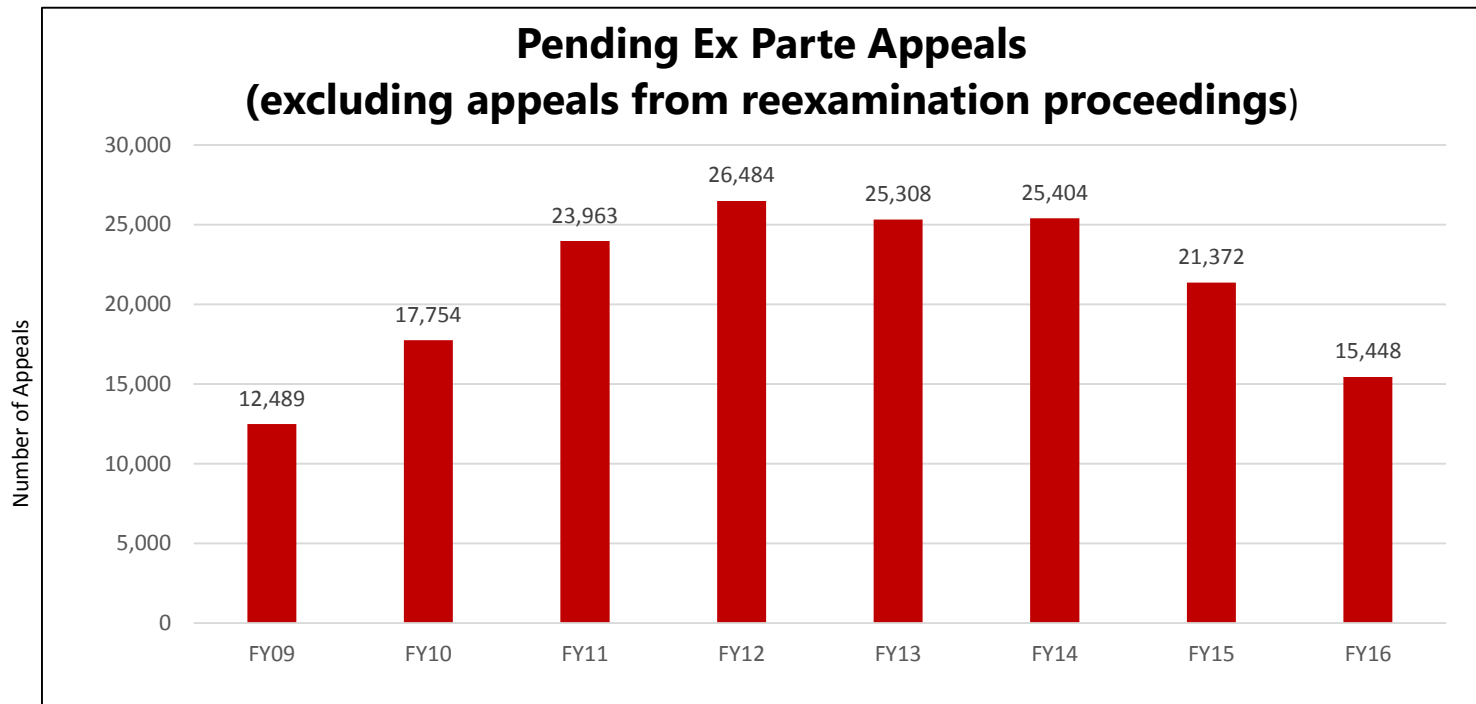
PTAB STATISTICS



Ex Parte Appeal

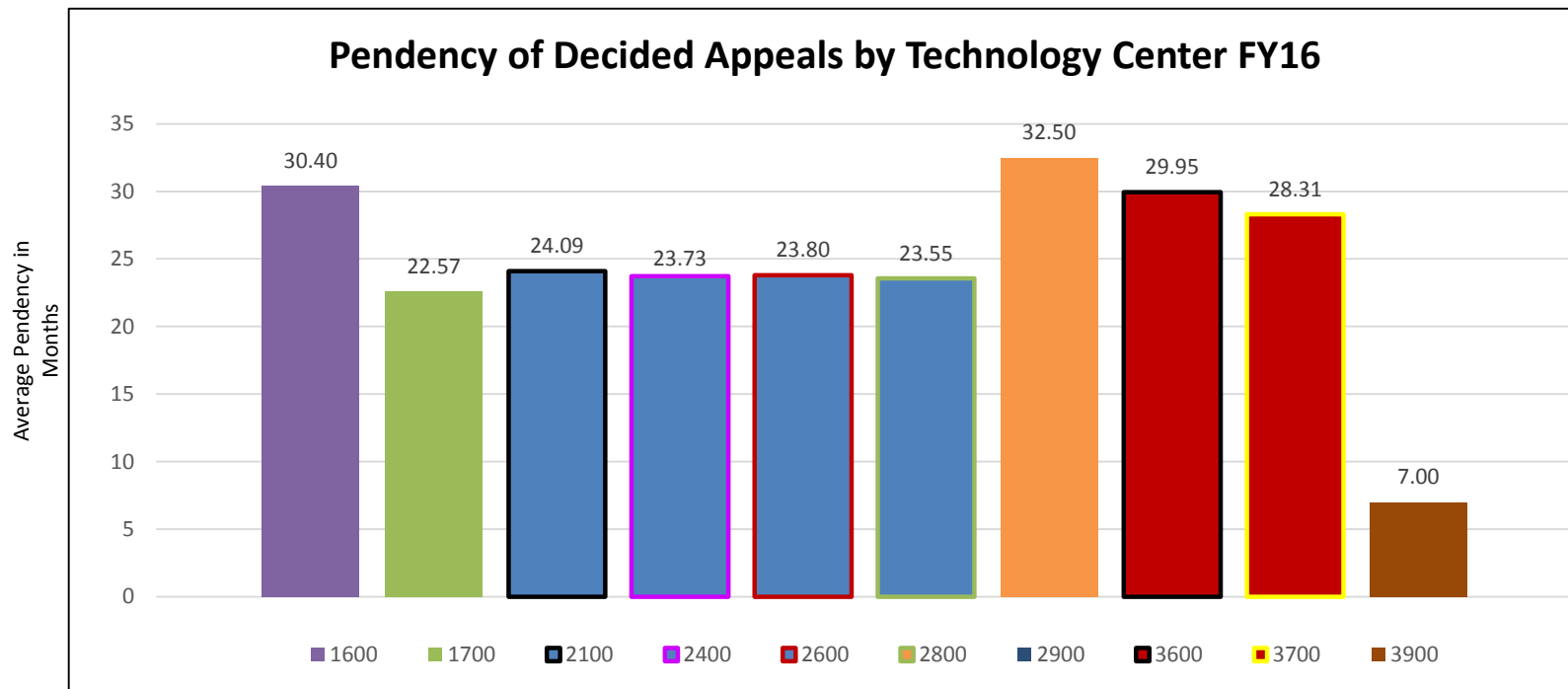
APPEAL STATISTICS



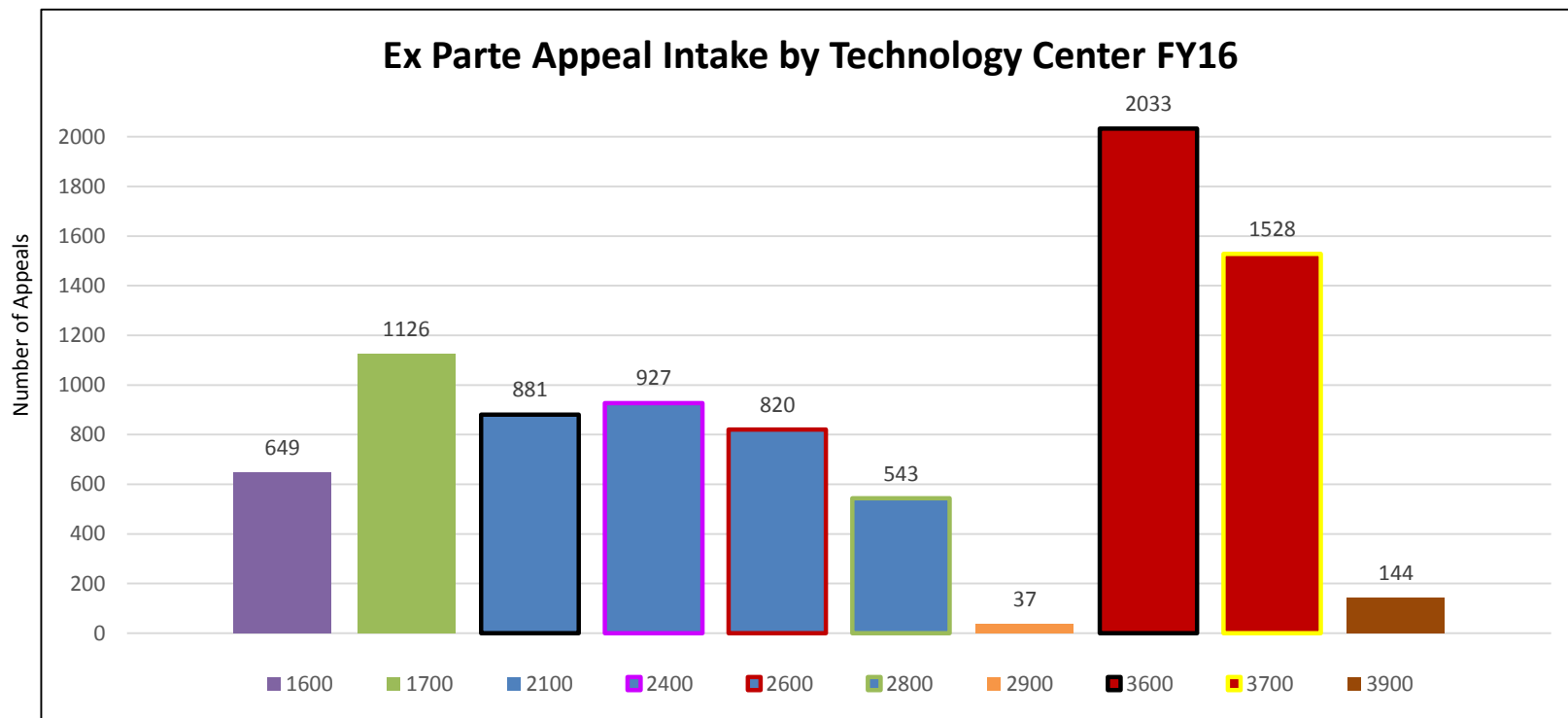


This graph shows the total number of ex parte appeals pending at the end of each fiscal year, excluding reexamination, reissue and supplemental examination appeals.

* As a result of an internal audit the number of pending appeals for 9/30/2015 has been updated from 21,293 to 21,372.

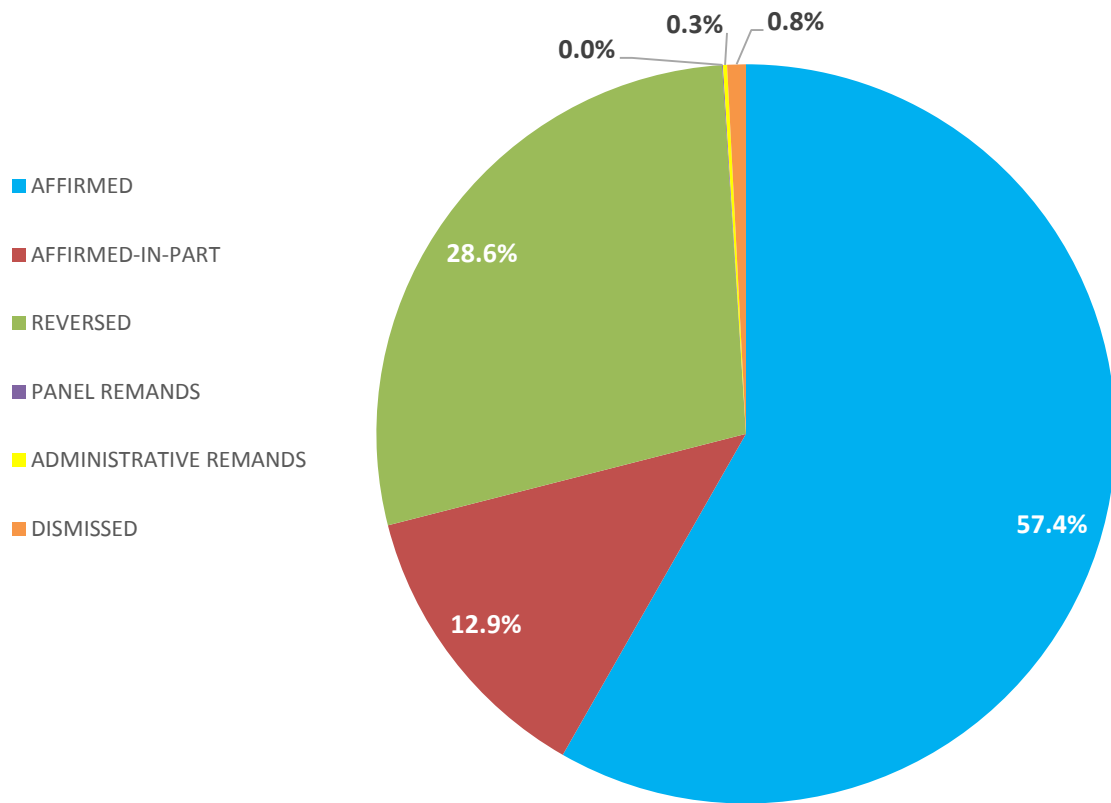


This bar chart shows Average Pendency of Decided Appeals by Technology Center for Appeals Decided in FY16 to date (Oct 1, 2015 through September 30, 2016). Pendency is measured from date of PTAB docketing (assignment of appeal number) to date of Decision.



This slide shows the number of appeals the Board has received from each Tech Center for this fiscal year (through the end of September 2016).

Outcomes in Appeals in FY16



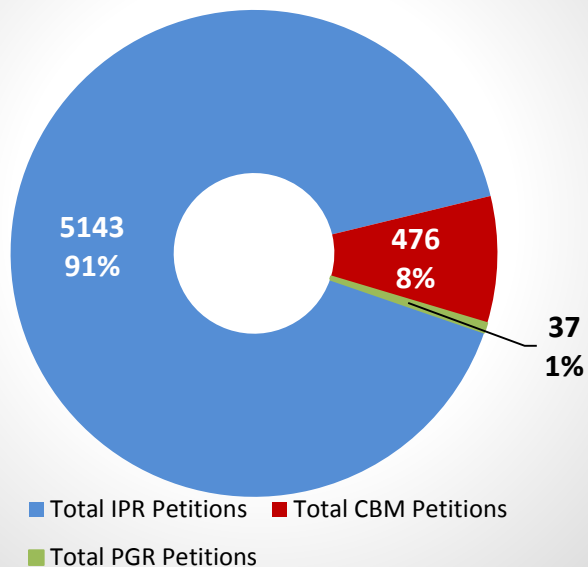
Post Grant Proceedings

TRIAL STATISTICS



5656 Total AIA Petitions*

Cumulative from 09/16/2012



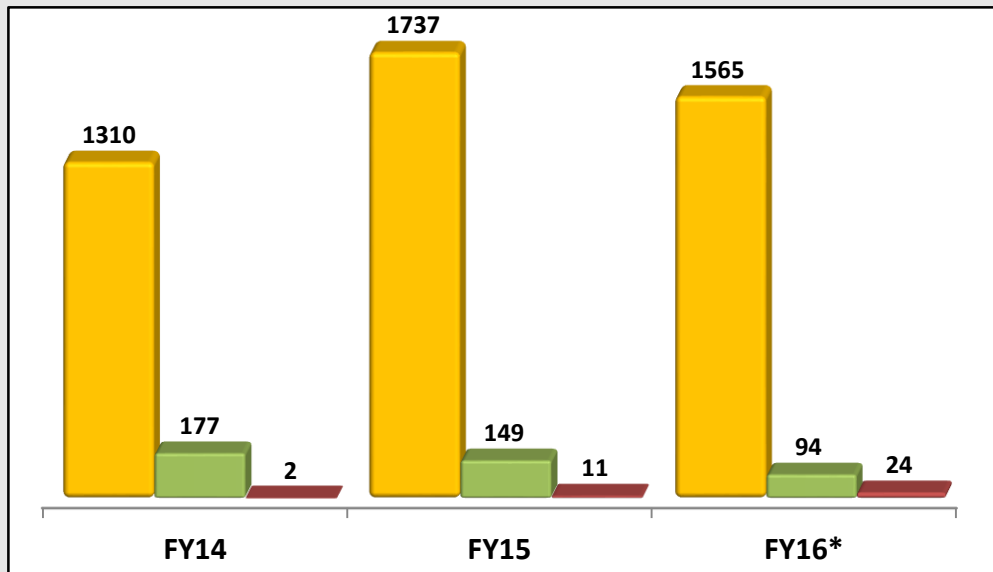
Narrative:

This pie chart shows the total number of cumulative AIA petitions filed to date broken out by trial type (i.e., IPR, CBM, and PGR).

***Data current as of: 9/30/2016**

Number of AIA Petitions Filed by Fiscal Year by Type

■ IPR ■ CBM ■ PGR

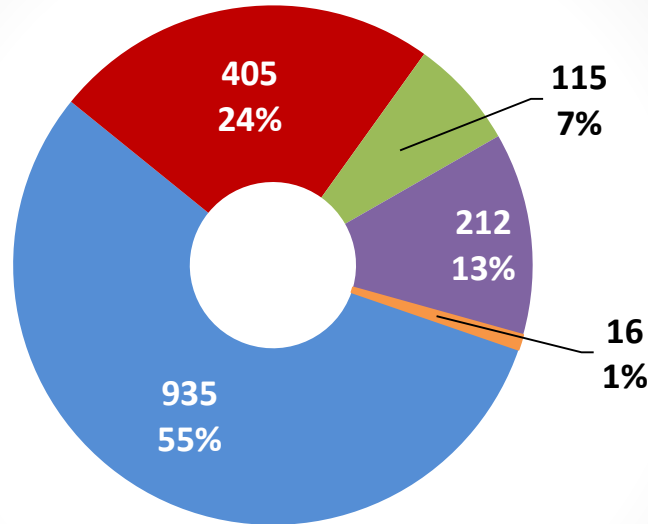


Narrative:

This bar graph depicts the number of AIA petitions filed each fiscal year, with each bar showing the filings for that fiscal year by trial type (i.e., IPR, CBM, and PGR).

***Data current as of: 9/30/2016**

1683 Total AIA Petitions in FY 16*
(Technology Breakdown)



■ Electrical/Computer - TCs 2100, 2400, 2600, 2800

■ Mechanical/Business Method - TCs 3600, 3700

■ Chemical - TC 1700

■ Bio/Pharma - TC 1600

■ Design - TC 2900

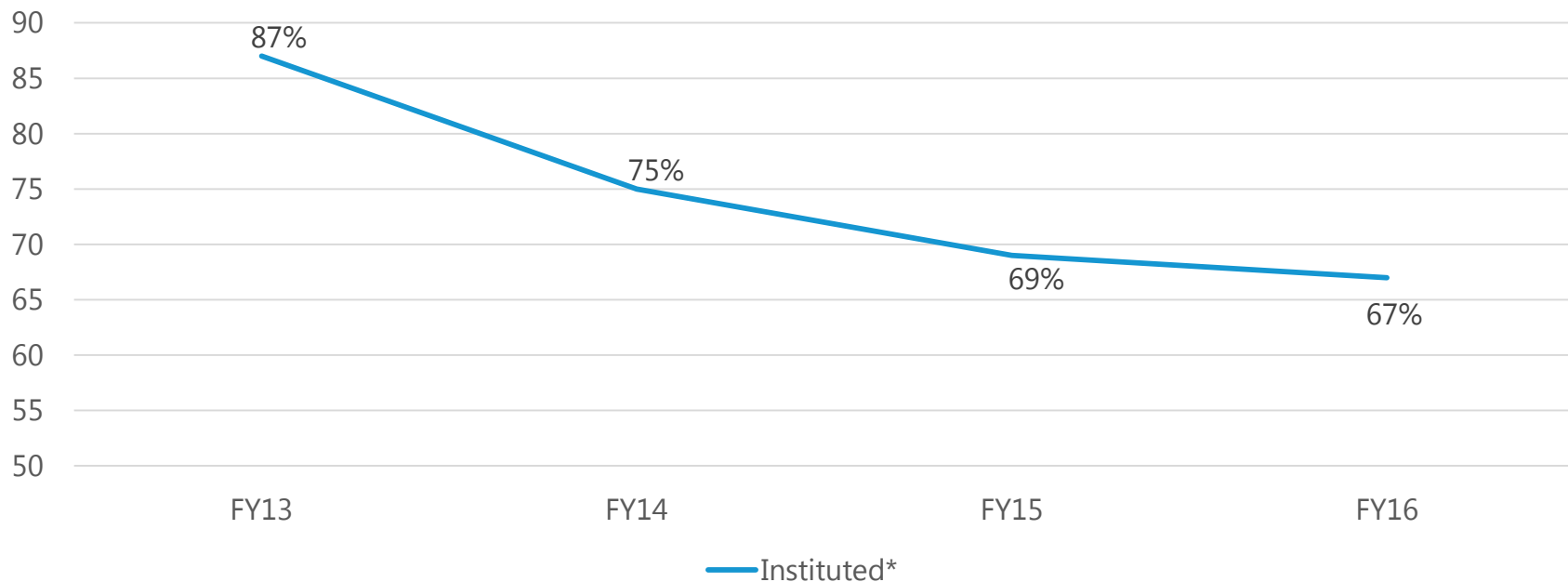
Narrative:

This pie chart shows the total number of AIA petitions filed in the current fiscal year to date as well as the number and percentage of these petitions broken down by technology.

Number of Patent Owner Preliminary Responses

- Patent Owner Preliminary Responses (POPR) filed 84% of the time (all AIA Trials through FY16)
- Rule change effective May 1, 2016 allowing new testimonial evidence (NTE) in POPRs
- NTE included with 40% of POPRs since rule change

Institution Rate per FY (IPR, PGR, CBM)



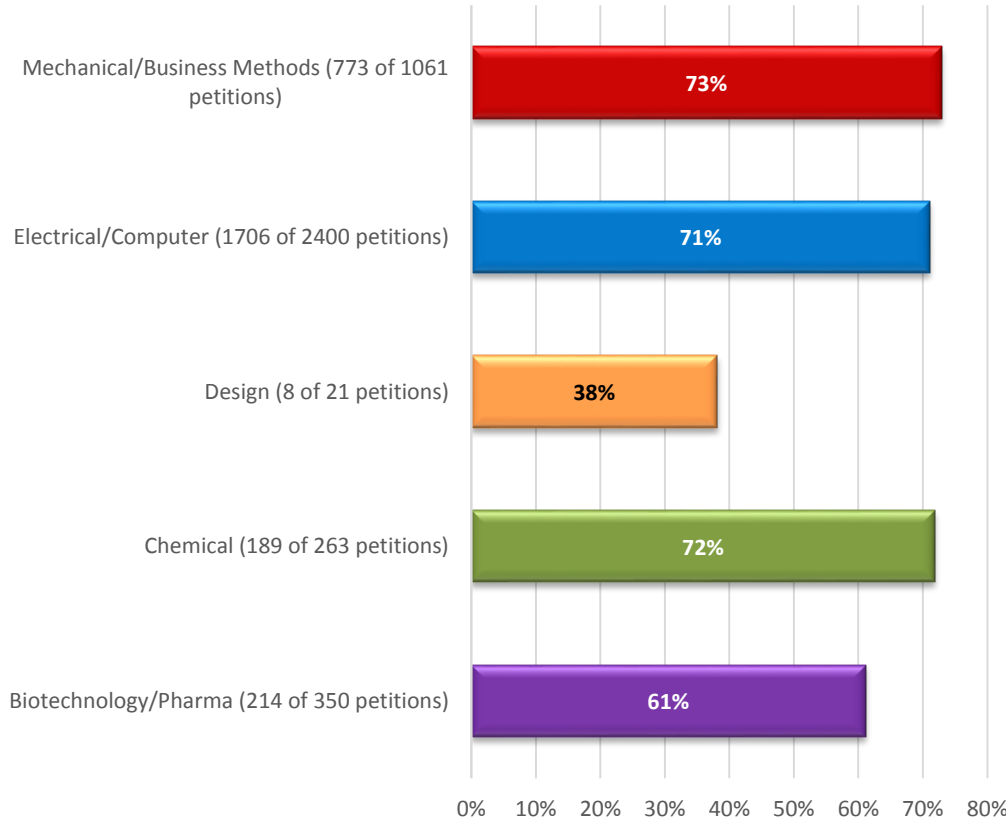
Narrative:

This graph shows the percentage of decisions on institution by fiscal year by trials instituted (including joinders*) in IPR, CBM, and PGR proceedings. A trial that is instituted in part is counted as an institution in this graph.

***Data current as of: 9/30/2016**



Percent of Petitions Instituted, by Technology

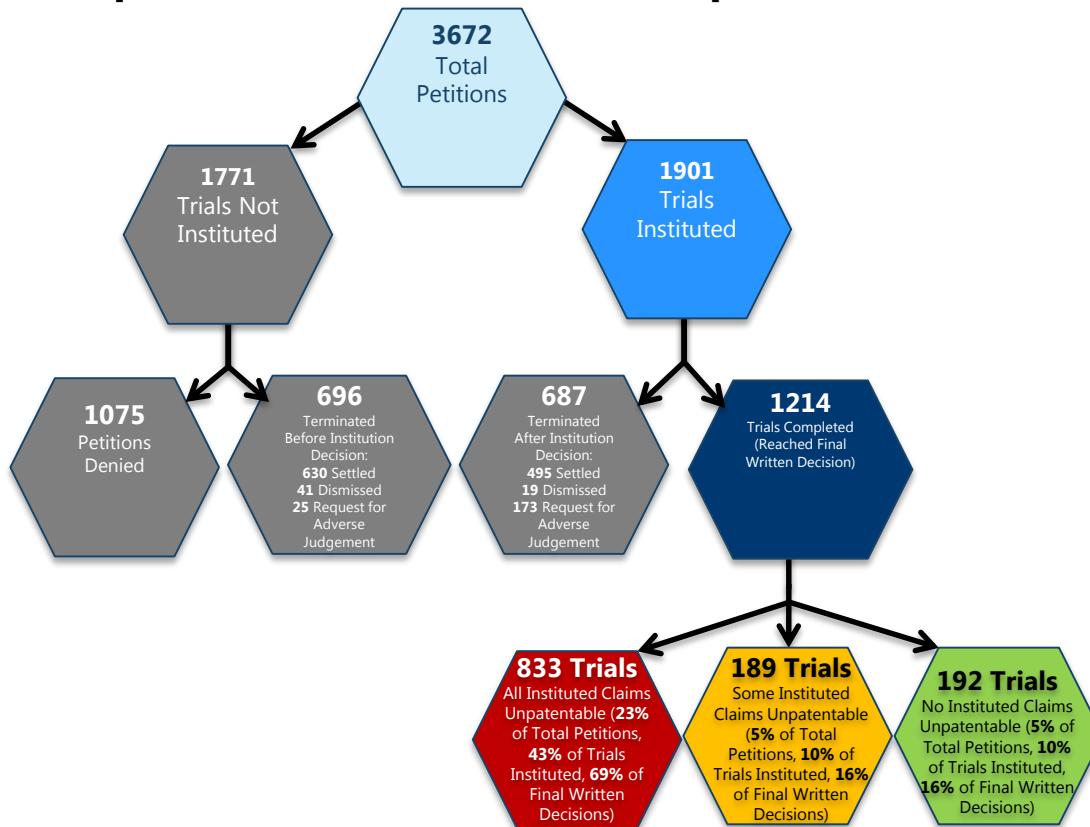


Narrative:

This chart shows the percentage of petitions instituted of all decisions on petition, by technology area.

***Data current as of: 9/30/2016**

Disposition of IPR Petitions Completed to Date*

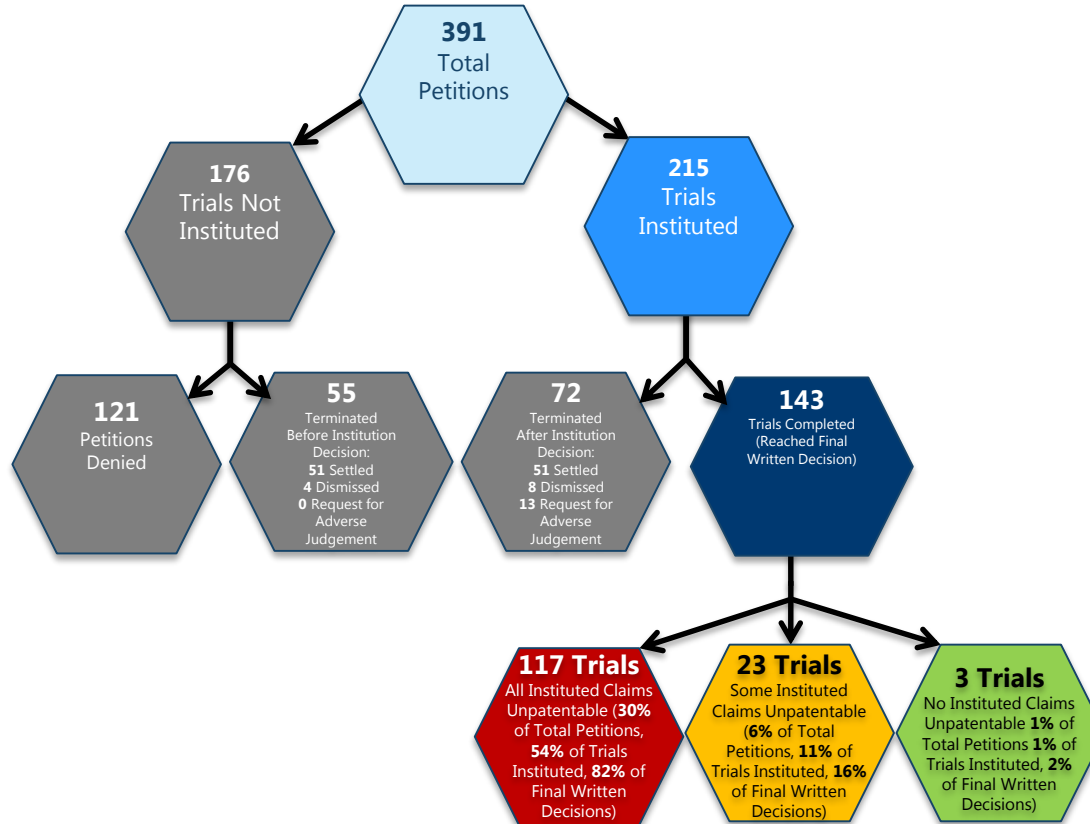


Narrative:

This graph shows a stepping stone visual depicting the outcomes for all IPR petitions filed to-date that have reached a final disposition.

***Data current as of: 9/30/2016**

Disposition of CBM Petitions Completed to Date*

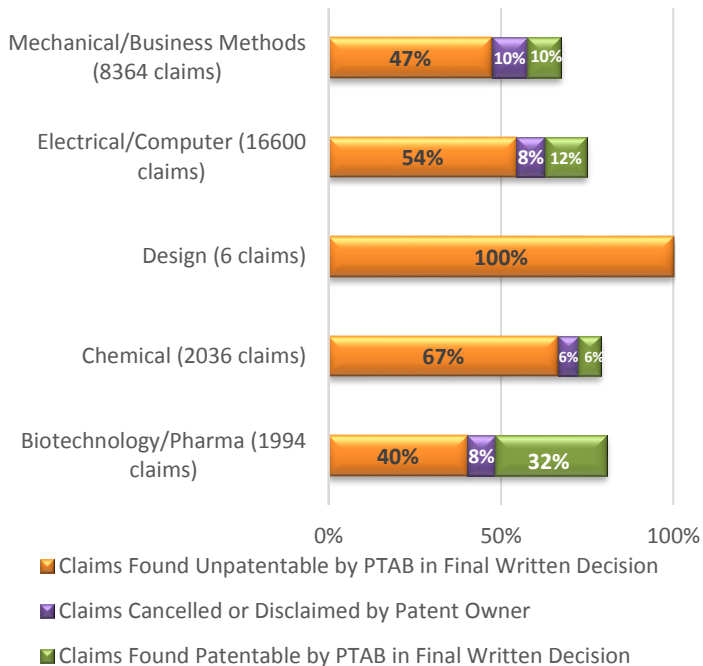


Narrative:

This graph shows a stepping stone visual depicting the outcomes for all CBM petitions filed to-date that have reached a final disposition.

***Data current as of: 9/30/2016**

Trial Outcomes for Instituted Claims, by Technology



Narrative:

This chart shows claim outcomes for instituted trials, by technology area.

Note: Claims involved in instituted trials that settle or are dismissed are not depicted. Accordingly, a bar may not add up to 100%.

***Data current as of: 9/30/2016**

* Includes IPR and CBM trial outcomes

Questions and Comments

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